

264-1122

9/20/2012

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

SEP 20 2012

Jamin Huang
Bayer CropScience LP
2 T.W. Alexander Drive
P.O. Box 12014
Research Triangle Park, NC 27709

Subject: Amended label to place additional information to clarify "g ai per seed" to assist seed treaters and growers
EverGol Energy
EPA Reg. No. 264-1122
Submissions dated June 13, 2012

Dear Mr Huang:

The proposed labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is acceptable provided that you submit two copies of your final printed label before you release the product for shipment. Products shipped after 18 months from the date of this amendment or the next printing of the label whichever occurs first, must bear the new revised label. Your release for shipment of the product bearing the amended label constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA sec. 6(e).

A stamped copy is enclosed for your records. If you have any questions, please contact Marianne Lewis at (703) 308-8043 or lewis.marianne@epa.gov.

Regards,

A handwritten signature in black ink that reads "Venus Eagle".

Venus Eagle, PM 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

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ACCEPTED
9/20/12
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
Registered under
EPA Reg. No. 264-1122

EverGol Energy

For use as a fungicide seed dressing for protection against listed soilborne, seedborne and early season post-emergence diseases of listed crop plants.

ACTIVE INGREDIENTS:

Prothioconazole	7.18%
Penflufen	3.59%
Metalaxyl	5.74%

OTHER INGREDIENTS: 83.49%

TOTAL: 100.00%

Contains 0.64 lb. prothioconazole; 0.32 lb. penflufen; 0.51 lb. metalaxyl per gallon

Contains 76.8 g prothioconazole; 38.4 g penflufen; 61.4 g metalaxyl per liter

EPA Reg. No. 264-1122

EPA Est.

KEEP OUT OF REACH OF CHILDREN

CAUTION

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577
For PRODUCT USE Information Call 1-866-99BAYER (1-866-992-2937)

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
IF ON SKIN	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
<p>In case of emergency call toll free the Bayer CropScience Emergency Response Telephone No. 1-800-334-7577. Have a product container or label with you when calling a poison control center or doctor, or going for treatment.</p>	

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, polyvinyl chloride, or viton. If you want more options, follow the instructions for category C on an EPA chemical-resistance category selection chart.

All mixers, loaders, applicators and other handlers must wear:

- long sleeved shirt and long pants,
- socks plus shoes,
- chemical resistant gloves, except when bagging or sewing bags of treated seeds,

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
 Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
 Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates, and freshwater/estuaries/marine aquatic plants. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment washwater or rinsate. Treated seed exposed on soil surface may be hazardous to wildlife. Cover or collect seed spilled during loading.

This product has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow. Therefore contain any product spills or equipment leaks and dispose of wastes according to the disposal instructions on this label.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For use only in commercial seed treatment equipment. Not for use in hopper box, planter box, slurry box, or other on-farm seed treatment applications.

COMMERCIAL SEED TREATMENT

CROP	DISEASE	Application Rate Per 100 lbs Seed	DIRECTIONS
Alfalfa	Seed rot and damping-off caused by <i>Rhizoctonia</i>	Apply 3 fl oz To deliver 0.0006 – 0.0008 mg ai per seed, apply 0.013 – 0.015 fl oz of the product per 100,000 seeds. (Based on an average of 213,000 seeds per lb) Maximum number of applications per year is 3.	Apply using commercial slurry or mist-type seed treatment equipment. Uniform application of seed is necessary to ensure seed safety and best disease protection. Dilute product with sufficient water to ensure complete seed coverage. Apply to high quality, properly cleaned seed. NOTES for Beans and Peas (dried) including Soybeans: Early season <i>Phytophthora</i> . For longer season control add sufficient metalaxyl product (such as, Allegiance) to supply a total metalaxyl amount of 15 to 30 gai/100kg of seed.
Beans and Peas (dried) including Soybean (Crop Group 6-C) Soybean, Adzuki Bean, Blackeyed Pea, Broad Bean, Catjang, Chickpea, Cowpea, Crowder Pea, Field Bean, Field Pea, Guar, Kidney Bean, Lablab Bean, Lentil, Lima Bean, Moth Bean, Mung Bean, Navy Bean, Pigeon Pea, Pinto Bean, Rice Bean, Southern Pea, Tepary Bean, Urd Bean	Seed rot and damping-off caused by <i>Rhizoctonia</i> , <i>Fusarium</i> and <i>Pythium</i> Seed rot, damping-off, and seedling blight caused by seedborne <i>Botrytis cinerea</i> Seed decay caused by <i>Phomopsis Ascochyta</i> blight (suppression) Seed decay	Apply 1.0 fl oz To deliver 0.017 - 0.021 mg ai per seed, apply 0.45 – 0.55 fl oz of the product per 140,000 soybean seeds. (Based on an average of 2,800 soybeans per lb) To deliver 0.02943 – 0.03597 mg ai per seed, apply 0.5625 – 0.6875 fl oz of the product per 100,000 bean seeds. (Based on an average of 1,600 beans per lb) To deliver 0.01485 – 0.01815 mg ai per seed, apply 0.2826 – 0.3454 fl oz of the product per 100,000 pea seeds. (Based on an average of 3,181 peas per lb) Maximum number of applications per year is 3.	All seed must be adequately dyed with a suitable colorant to prevent its accidental use as food for man or feed for animals. Refer to 21CFR, part 2.25. Any colorant added to treated seed must be cleared for use under 40CFR, part 153.155.
Cereal grains Barley, Triticale, and Wheat	Common bunt Covered smut False loose smut Flag smut Leaf stripe Loose smut	Apply 1 fl oz To deliver 0.0036 – 0.0044 mg ai per seed, apply 0.0693 – 0.0847 fl oz of the product per 100,000 wheat and barley seeds. (Based on an average of 13,000	

	<p>Stinking smut Stem smut True loose smut Seed rot, pre-emergence damping-off and seedling blight caused by soilborne <i>Rhizoctonia</i>, <i>Fusarium</i>, <i>Cochliobolus</i> and <i>Pythium</i> Seed rot, pre-emergence damping-off and seedling blight caused by seed-borne <i>Fusarium</i> and <i>Cochliobolus</i>. Seed decay Common root rot, foot rot, and crown rot (early season suppression) Rust, <i>Septoria</i> and powdery mildew (early season suppression)</p>	<p>wheat or barley seeds per lb) To deliver 0.00252 – 0.00308 mg ai per seed, apply 0.0477 – 0.0583 fl oz of the product per 100,000 Triticale seeds. (Based on an average of 18,840 Triticale seeds per lb) Maximum number of applications per year is 3.</p>	
<p>Rice</p>	<p>Seed rot and damping-off caused by <i>Rhizoctonia</i>, <i>Fusarium</i> and <i>Pythium</i> Seed decay Seed-borne false smut (suppression) Seed-borne kernel smut (suppression)</p>	<p>Apply 1 – 2 fl oz To deliver 0.0024 – 0.0048 mg ai per seed, apply 0.046 – 0.092 fl oz of the product per 100,000 Rice seeds. (Based on an average of 21,850 Rice seeds per lb) (Must use high rate for moderate to high seedling disease pressure or for suppression of seed-born false smut and kernel smut.) Maximum number of applications per year is 3.</p>	

SEED BAG TAG

The Federal Seed Act requires that the container of seed treated with EverGol Energy must be labeled with the following statements:

- This seed has been treated with EverGol Energy which contains Metalaxyl, Prothioconazole and penflufen.
- Do not use treated seed for food, feed, or oil production. Excess treated seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues of pesticide remain in ethanol by-products that are used in agronomic practice.
- User is responsible for ensuring that the seed bag meets all the requirements under the Federal Seed Act.

In addition, the US Environmental Protection Agency requires the following statements on the container of seed treated with EverGol Energy:

- Store away from feeds and foodstuffs.
- Wear long sleeved shirt, long pants, shoes, socks, and chemical resistant gloves when handling treated seed
- Crops on this label and other crops for which tolerances exist for metalaxyl, prothioconazole and penflufen may be replanted at any time. All other crops may be planted after 30 days.

- After the seeds have been planted, do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours. Exception: Once the seeds are planted in soil or other planting media, the Worker Protection Standard allows worker to enter the treated area without restriction if there will be no worker contact with the treated seeds in the soil or planting media.
- Dispose of all excess treated seed. Left over treated seed may be double sown around the headland or buried away from water sources in accordance with local requirements. Do not contaminate water bodies when disposing of planting equipment washwaters.
- This product contains chemicals which are known to leach through soil into ground water under certain conditions as a result of agricultural use. Use of this product in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.
- Dispose of seed packaging in accordance with local requirements.
- Use planting equipment that will plant treated seed into the soil to a minimum depth of 0.5 inch.
- This compound is toxic to birds and mammals. Treated seed exposed on soil surface may be hazardous to birds and mammals. Cover or collect seeds spilled during loading.
- Do not plant treated rice seed directly into flooded field. Do not soak treated rice seed.
- Do not graze or feed soybean forage and hay to livestock.
- For alfalfa: Do not exceed 0.00225 lb. penflufen /A (1.02 g ai/A) per crop season. Based on the seed size of 213,000 seed per pound applied at the labeled rate, this seed has been treated with 0.00073 mg active ingredients (ai) of EverGol Energy /seed which contains 0.00016 mg of penflufen/seed. The maximum number of applications per year is 3.
- For beans (excluding soybeans): Do not exceed 0.0384 lb. penflufen /A (17.5 g ai/A) per crop season. Based on the seed size of 1600 seed per pound applied at the labeled rate, this seed has been treated with 0.033 mg active ingredients (ai) of EverGol Energy /seed which contains 0.008 mg of penflufen/seed. The maximum number of applications per year is 3.
- For peas: Do not exceed 0.0384 lb. penflufen /A (17.5 g ai/A) per crop season. Based on the seed size of 3181 seed per pound applied at the labeled rate, this seed has been treated with 0.017 mg active ingredients (ai) of EverGol Energy /seed which contains 0.0036 mg of penflufen/seed. The maximum number of applications per year is 3.
- For soybeans: Do not exceed 0.0384 lb. penflufen /A (17.5 g ai/A) per crop season. Based on the seed size of 2800 seed per pound applied at the labeled rate, this seed has been treated with 0.019 mg active ingredients (ai) of EverGol Energy /seed or 2.62 g ai/140,000 seed unit, which contains 0.0041 mg of penflufen/seed or 0.57 g penflufen/140,000 seed unit. The maximum number of applications per year is 3.
- For Barley and Wheat: Do not exceed 0.0078 lb. penflufen /A (3.5 g ai/A) per crop season. Based on the seed size of 13,000 seed per pound applied at the labeled rate, this seed has been treated with 0.004 mg active ingredients (ai) of EverGol Energy /seed which contains 0.00087 mg of penflufen/seed. The maximum number of applications per year is 3.
- For Triticale: Do not exceed 0.0078 lb. penflufen /A (3.5 g ai/A) per crop season. Based on the seed size of 18,840 seed per pound applied at the labeled rate, this seed has been treated with 0.0028 mg active ingredients (ai) of EverGol Energy /seed which contains 0.0006 mg of penflufen/seed. The maximum number of applications per year is 3.
- For rice (dry seeded): Do not exceed 0.006 lb penflufen /A (2.7 g ai/A) per crop season. Based on the seed size of 21,850 seed per pound applied at the labeled rate, this seed has been treated with 0.0024 – 0.0048 mg active ingredients (ai) of EverGol Energy /seed which contains 0.00052 – 0.001 mg of penflufen/seed [applicator should choose the appropriate targeted rate and apply to the seed tag in place of the rate range]. The maximum number of applications per year is 3.
- This product has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow. Therefore contain any product spills or equipment leaks and dispose of wastes according to the disposal instructions on this label.

INFORMATION

EverGol Energy is a fungicide seed dressing for protection against listed soilborne, seed-borne and early season post-emergence diseases of listed crop plants.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment.

PESTICIDE STORAGE

Store in original container away from feed and food. Store in cool, dry area. Do not store in direct sunlight. Do not allow prolonged storage in temperatures that exceed 105°F (40°C) or in temperatures that fall below 14°F (-10°C).

PESTICIDE DISPOSAL

To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

CONTAINER DISPOSAL

Rigid, Non-refillable containers (equal to or less than 5 gallons)

Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Once container is rinsed, offer for recycling if available or puncture and dispose of in a sanitary landfill.

Rigid, Non-refillable containers (greater than 5 gallons or 50 lbs)

Non-refillable Containers

Non-refillable containers - Do not reuse or refill this container. Refer to Bottom Discharge IBC or Top Discharge IBC, Drums, Kegs information as follows.

Bottom Discharge IBC (e.g. – Schuetz Caged IBC or Snyder Square Stackable)

Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. To pressure rinse the container before final disposal, empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inches on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely remove the top lid of the IBC. Use water pressurized to at least 40 PSI to rinse all interior portions. Continuously pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g.– Snyder 120 Next Gen, Bonar B120, Drums, Kegs).

Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. To triple rinse the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container at least 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

Once container is rinsed, offer for recycling if available or puncture and dispose of in a sanitary landfill.

Refillable Containers

Refillable container – Refer to Bottom Discharge IBC or Top Discharge IBC, Drums, Kegs information as follows. Refill this container with pesticide only. Do not reuse this container for any other purpose. Contact your Ag retailer or Bayer CropScience for container return, disposal and recycling information.

Bottom Discharge IBC (e.g. – Schuetz Caged IBC or Snyder Square Stackable)

Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To pressure rinse the container before final disposal, empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inches on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely remove the top lid of the IBC. Use water pressurized to at least 40 PSI to rinse all interior portions. Continuously pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g.– Snyder 120 Next Gen, Bonar B120, Drums, Kegs).

Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To triple rinse the containers before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container at least 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

Once container is rinsed, offer for recycling if available or puncture and dispose of in a sanitary landfill.

End users are authorized to remove tamper evident cables as required to remove the product from the container unless the container is equipped with one way valves and refilling or returning is planned. If this is the case, end users are not authorized to remove tamper evident cables, one way valves or clean container.

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IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once.

By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

Treatment of highly mechanically damaged seed, or seed of known low vigor and poor quality, may result in reduced germination and/or reduction of seed and seedling vigor. Treat and conduct germination tests on a small portion of seed before committing the total seed lot to a selected chemical treatment. Due to seed quality conditions beyond the control of Bayer CropScience, no claims are made to guarantee germination of carry-over seed.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE MAKES NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE'S ELECTION, THE REPLACEMENT OF PRODUCT.

NET CONTENTS:

PRODUCED FOR



Bayer CropScience

**Bayer CropScience LP
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1-866-99BAYER (1-866-992-2937)**

EVERGOL ENERGY (PENDING) 06-12-12, 09-17-12